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**JOURNAL**  
**OF THE**  
**PROCEEDINGS**  
**OF A**  
**CONVENTION**

**BEGAN AND HELD**

**AT KNOXVILLE, JANUARY 11, 1796.**

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**PRINTED BY GEORGE ROULSTONE, 1796.**

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# JOURNAL

OF THE

PROCEEDINGS OF A CONVENTION, began and held at KNOXVILLE, on the *eleventh* day of JANUARY, *one thousand seven hundred and ninety six*, for the purpose of forming a CONSTITUTION, OR FORM OF GOVERNMENT, for the permanent government of the People.

THE following members appeared, produced their credentials, and took their seats, *to wit*.

David Craig, James Greenaway, Joseph Black, Samuel Glass, from the county of *Blount*.

John M'Nairy, Andrew Jackson, James Robertson, Thomas Hardeman, Joel Lewis, from the county of *Davidson*.

Samuel Frazier, Stephen Brooks, William Rankin, John Galbreath, Elisha Baker, from the county of *Greene*.

James Berry, Thomas Henderson, Joseph M'Minn, William Cocke, Richard Mitchell, from the county of *Hawkins*.

Alexander Outlaw, Joseph Anderson, George Doherty, James Roddye, Archibald Roan, from the county of *Jefferson*.

William Blount, James White, Charles M'Clung, John Adair, from the county of *Knox*.

George Rutledge, William C. C. Claiborne, John Shelby, jun. John Rhea, Richard Gammon, from the county of *Sullivan*.

Peter Bryan, Samuel Wear, Spencer Clack, John Clack, Thomas Buckenham, from the county of *Sevier*.

Thomas Johnston, James Ford, William Fort, Robert Prince, William Prince, from the county of *Tennessee*.

Landon Carter, John Tipton, Leeroy Taylor, James Stuart, Samuel Handley, from the county of *Washington*.

The house proceeded to the choice of a president, his excellency William Blount was unanimously chosen, and conducted to the chair.

The house then proceeded to the election of a secretary; William Mac-  
lin was unanimously chosen.

Also, to a reading and engrossing clerk, when John Sevier, jun. was elected by a majority of the house.

Then to the appointment of a door-keeper, and chose John Rhea.

On motion of Mr. White, seconded by Mr. Roddye, Ordered, that this Convention commence to-morrow with prayer and a sermon, to be delivered by the Rev. Mr. Carrick.

On motion of Mr. White, seconded by Mr. Carter, Ordered, that Messrs. White and Adair have leave of absence to-morrow.

On motion of Mr. Robertson, seconded by Mr. Fort, Resolved, that a committee be appointed to report what rules are necessary to be observed in doing business during the session of Convention; and that Messrs. Anderson, M'Nairy, Tipton, Claiborne, and Johnson compose the same.

Adjourned till to-morrow 10 o'clock, A. M.

## TUESDAY, JANUARY 12, 1796.

Met according to adjournment.

SEVERAL members from Sumner, viz. David Shelby, Isaac Walton, Daniel Smith, William Douglass, and Edward Douglass, appeared, produced their credentials, and took their seats.

Mr. Tipton, from the committee appointed to report what rules are necessary to be observed in doing business during the session of Convention, reported as follows:

- I. When the President is in the chair, every member may sit in his place with his head covered.
- II. Every member shall come into the house uncovered, and shall continue so at all times, but when he sits in his place.
- III. The President having taken the chair, and a majority of the members being present, the Secretary shall read the journal of the preceding day, in order that any mistake may be corrected, that may have been made in the entries.
- IV. While the journal, or public papers are reading, or when any member is speaking, there shall be no interruption; nor shall any member read any printed paper, but the attention of the Convention is expected.
- V. Every member, when he speaks, shall, standing in his place, address himself to the President or Chairman, as the case may be, who shall give his attention by naming the members.
- VI. If two or more members rise to speak at the same time, the President shall determine which shall speak first.
- VII. When any motion shall be before the house, and not properly understood, the President may explain, but shall not attempt, in such explanation, to sway the house by argument or debate.
- VIII. A member digressing from the subject, or using personal observations or reflections, may be called to order by the President, Chairman, or any member of the house.
- IX. All motions to be committed to writing, and seconded, and handed to the President, before the same can be considered in possession of the house, except a motion of course.

- X. No question shall be put upon a motion, unless seconded.
- XI. No member to speak more than twice, without leave of the house, to the same question, unless in a committee of the whole.
- XII. When a question is before the Convention, no motion shall be received, unless for an amendment, for the previous question, or to commit, or to adjourn.
- XIII. On motion, any member shall have the privilege of entering his dissent against any of the proceedings of the house; and the yeas and nays, on any question, shall be taken and entered on the journal, on motion for that purpose made and seconded.
- XIV. No member to depart the service of the house without leave.

On motion of Mr. Carter, seconded by Mr. Rhea, Resolved, that the following article be added as an amendment to the above rules:

That the President of this Convention, with leave of the house, shall have privilege to speak upon any subject proposed, agreeably to the rules established by the house—provided he speaketh before the arguments of the house are gone through.

James Houston, a member from the county of *Blount*, appeared, produced his credentials, and took his seat.

On motion of Mr. Claiborne, seconded by Mr. Rutledge—Resolved, that economy is an amiable trait in any government, and that in fixing the salaries of the officers thereof, the situation and resources of the country should be attended to.

*Resolved*, that Ten Shillings and Six Pence, Virginia currency, per day, to every member is a sufficient compensation for his services in the convention, and One Dollar for every thirty miles they travel, in coming to and returning from the convention; and that the members pledge themselves, each one to the other, that they will not draw a greater sum out of the public treasury.

It was then moved by Mr. Rhea, and seconded by Mr. Carter, that the above resolution be amended by striking out the words, Ten Shillings and Six Pence, Virginia currency, and insert, in lieu, the words One Dollar and Fifty Cents.

A motion was then made by Mr. Anderson, seconded by Mr. Fort, for postponing the above resolution, as amended, which was determined in the negative.

The question was then put, upon the motion, as amended, and determined unanimously in the affirmative.

On motion of Mr. Roan, seconded by Mr. Fort, Resolved, that a committee of privileges and elections be appointed; and that Messrs. Greenaway, Robertson, Frazier, Berry, Doherty, Adair, Gammon, Walton, Claek, Ford, and Stuart compose the same.

On motion of Mr. Robertson, seconded by Mr. Ford—Resolved, that the house proceed to appoint a committee of two members from each county, to draft a constitution, and that each county name their members.—Messrs. Craig and Black were nominated for the county of *Blount*. Messrs. M'Nairy and Jackson for the county of *Davidson*. Messrs. Frazier and Rankin for the county of *Greene*. Messrs. Cocke and Henderson for the county of *Hawkins*. Messrs. Anderson and Roddye for the county of *Jefferson*. Messrs. Blount and M'Clung for the county of *Knox*. Messrs.

Claiborne and Rhea for the county of *Sullivan*. Messrs. Shelby and Smith for the county of *Sumner*. Messrs. Wear and John Clack for the county of *Sevier*. Messrs. Johnston and Fort for the county of *Tennessee*. And Messrs. Tipton and Stuart for the county of *Washington*.

Mr. M'Minn moved and was seconded, by Mr. Anderson, that the opinion of the house be taken, whether a bill of rights be prefixed to the constitution. The question was put and determined in the affirmative.

It was then moved by Mr. Claiborne, & seconded by Mr. M'Minn, that the committee appointed to draft a constitution or form of government, be instructed to present to this house, at as early a period as possible, a declaration, or bill of rights, to be prefixed to the constitution; which was determined in the affirmative.

On motion of Mr. Outlaw, seconded by Mr. Johnston, that the legislature consist of two houses.

It was then moved by Mr. Cocke, seconded by Mr. Outlaw, that the above motion be postponed until the committee appointed to draft the constitution, shall have reported the bill of rights; which was agreed to.

Adjourned till to-morrow, 10 o'clock, A. M.

### WEDNESDAY, JANUARY 13, 1796.

Met according to adjournment.

And adjourned till to-morrow one o'clock, P. M.

### THURSDAY, JANUARY 14, 1796.

Met according to adjournment.

JOHN CRAWFORD, a member from the county of *Knox*, appeared, produced his credentials, and took his seat.

On motion of Mr. Anderson, seconded by Mr. M'Minn, Resolved, that it be a standing rule, that the President adjourn the Convention every day at three o'clock, without motion, except the Convention be previously adjourned on motion.

On motion of Mr. M'Minn, seconded by Mr. Cocke, Resolved, that it is the sense of this Convention, that the journal of their proceedings and the constitution, including the bill of rights, be published as early as practicable, for the information of the people; and to this end the Secretary of this Convention is instructed to furnish the Printer, George Roulstone, with a daily copy of the journal, and with a copy of the constitution, including the bill of rights, as soon as it may be formed.

On motion of Mr. Roan, seconded by Mr. Tipton, Resolved, that the Secretary of this Convention deliver the certificates of the election of the several members to the committee of privileges and elections; and that in case where there is any doubt, they be directed to report specially.

On motion of Mr. Anderson, seconded by Mr. Lewis, Resolved, that Messrs. Stuart and Frazier be withdrawn from the committee of privileges and elections, and that Messrs. Carter and Brooks be added in lieu.

Adjourned till to-morrow 10 o'clock, A. M.

## FRIDAY, JANUARY 15, 1796.

Met according to adjournment.

On motion of Mr. Carter, and seconded by Mr. Tipton, Resolved, that a committee of two be appointed to examine the copies of the journal daily, to be delivered by the Secretary to the Printer, and that Mr. Carter and Mr. Gammon compose the same.

Mr. Smith, Chairman of the committee appointed to draft a constitution, presented to the Convention, a draft of a bill of rights, to be prefixed to the constitution.

On motion made by Mr. Claiborne, and seconded by Mr. Johnston, Resolved, that the convention resolve itself into a committee of the whole convention, to take under consideration the draft of a bill of rights, to be prefixed to the constitution. The convention resolved itself into a committee of the whole accordingly, and chose Mr. Robertson, Chairman; and after some time spent therein, Mr. President resumed the chair, and Mr. Chairman reported, that the committee had made some progress on the business referred to them; but not having time to complete the same, desired leave to sit again to-morrow.

*Ordered*, that the committee have leave to sit again to-morrow.

Adjourned till to-morrow 10 o'clock, A. M.

## SATURDAY, JANUARY 16, 1796.

Met according to adjournment.

The order of the day, for taking into further consideration a draft of the bill of rights to be prefixed to the constitution, being called for.

*Resolved*, that the convention resolve itself into a committee of the whole convention, to take under further consideration a draft of the bill of rights.

The convention resolved itself into a committee of the whole accordingly. Mr. Robertson in the chair; after some time spent therein, Mr. President resumed the chair and Mr. Robertson reported, that the committee had gone through the business referred to them.

On motion of Mr. Rhea, seconded by Mr. Anderson, resolved, that the Secretary do furnish the Printer with the draft of the bill of rights, to be prefixed to the constitution, and direct him to strike off fifty five copies of it for the use of the members, as soon as may be.

On motion of Mr. Roddy, seconded by Mr. Rhea, resolved, that two members be appointed to contract with the Printer, to print the proceedings of the convention, and Mr. Roddy and Mr. Robertson were appointed for that purpose.

*Ordered*, that Messrs. Craig and Berry have leave of absence till Monday and Mr. Rutledge till Tuesday.

Mr. Doherty, Chairman of the committee of privileges and elections, reported, that they have examined the returns from the counties of Blount, Davidson, Greene, Jefferson, Knox, Sevier, Sumner, Sullivan, Washington, and Tennessee, and are of opinion they are satisfactory.

The committee are also of opinion, that the certificates of elections of

Messrs. M'Minn, Cocke, Berry, and Mitchell from the county of Hawkins are satisfactory.

They also find, from information of James Berry, esq. that he was present at the close of the election for the county of Hawkins, and heard the presiding officer of said election, proclaim, that Thomas Henderson, was duly elected to represent the said county; and therefore are of opinion that the said Thomas Henderson has a right to hold his seat as a member of this convention, which report being read was concurred with.

Adjourned till Monday 10 o'clock, A. M.

## MONDAY, JANUARY 18, 1796.

Met according to adjournment.

ON motion of Mr. Roan, seconded by Mr. Rutledge, resolved; that the committee appointed to contract with the Printer be directed to proceed no farther on that business, and that an estimate be made of the expences of printing, be laid before the next General Assembly.

On motion of Mr. Roan, seconded by Mr. Carter, resolved, that it shall be the duty of the President or Chairman to call gentlemen spectators, appearing among the members, when in session, by name, and to desire them to withdraw to the seats assigned them.

The convention having under consideration the bill of rights, to be prefixed to the constitution, a motion was made by Mr. Jackson, and seconded by Mr. Anderson, that the thirty-first section of the bill of rights be amended, by inserting 'and the right of soil,' immediately after 'sovereignty.'—This proposed amendment was objected to; where upon the yeas and nays were called for by Mr. Jackson, and seconded by Mr. Anderson, which are as follows, to wit:

### YEAS.

Messrs. Frazier, Brooks, Jackson, Hardeman, Barry, Outlaw, Anderson, Doherty, Roddy, David Shelby, William Douglass, Bryan, Wear, Johnston, Fort, Ford, Robert Prince, William Prince, Handley, Galbreath and Taylor.

### NAYS.

Messrs. Craig, Greenaway, Black, Houston, M'Nairy, Robertson, Lewis, Rankin, Baker, M'Minn, Henderson, Cocke, Mitchell, Roan, White, Blount, M'Clung, Adair, Crawford, Rutledge, Claiborne, John Shelby, Jun., Rhea, Walton, Edward Douglass, Smith, Spencer Clack, John Clack, Buckingham, Tipton, Carter, Stuart, and Glass.

On motion made by Mr. Outlaw, and seconded by Mr. Claiborne, resolved, that the convention resolve itself into a committee of the whole convention, to take under consideration whether the legislature consist of two houses. The convention resolved itself into a committee of the whole, accordingly, and chose Mr. Robertson, Chairman; and after some time spent therein, Mr. President resumed the chair and Mr. Chairman reported that the committee had gone through the business referred to them, and are of the opinion that the legislature ought to consist of two houses.

Mr. Anderson moved and was seconded by Mr. Brooks, that the part of the thirty-first section of the bill of rights immediately after 'sovereign-

ty,' be struck out, and insert in lieu 'and right of soil so far as is consistent with the constitution of the United States, recognizing the articles of confederation, the bill of rights and constitution of North Carolina, the cession act of the said state, and the ordinance of the late Congress, for the government of the Territory North-West of the Ohio; provided, nothing herein contained shall extend to effect the claim or claims of individuals, to any part of the soil which is recognized to them by the aforesaid cession act,' which was unanimously agreed to.

On motion by Mr. M'Nairy, and seconded by Mr. Cocke, resolved, that the convention resolve itself into a committee of the whole convention, to take under consideration whether the two branches in the legislature shall consist of equal numbers and of equal powers, and if the whole numbers elected should be odd, then by ballot to determine to which house the odd member belongs.

The convention resolved itself into a committee of the whole accordingly, and chose Mr. Robertson, Chairman, and after some time spent therein, Mr. President resumed the chair, and Mr. Chairman reported, that the legislative power be vested in two houses of equal numbers and equal powers.

Adjourned till to-morrow, 10 o'clock, A.M.

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## TUESDAY, JANUARY 19, 1796.

Met according to adjournment.

Mr. Roan moved for leave and presented a petition from sundry persons, suggesting several clauses which they wished to be inserted in the constitution; which was read and referred to the committee appointed to draft a constitution.

Mr. Cocke moved, and was seconded by Mr. Lewis, that the convention concur with the report of the committee who had under consideration whether the legislative power consist of two branches of equal numbers and of equal powers.

Mr. Outlaw moved, and was seconded by Mr. Berry, that the above question be postponed; which was agreed to.

On motion of Mr. M'Nairy seconded by Mr. Rhea, the convention resolved itself into a committee of the whole convention, to reconsider the report of the committee of yesterday to wit:

That the legislative power be vested in two houses of equal numbers and powers, and after some time spent therein, Mr. President resumed the chair, and Mr. Robertson, Chairman of the committee, reported, that the committee had according to order reconsidered the said report, and made several amendments thereto, which he delivered in at the Secretary's table, where the same was read as follows, in lieu of the words, 'two houses' insert 'one house of representatives;' and that no bill or resolution shall be passed unless by two thirds of the whole number of members present.

On motion of Mr. Rhea, seconded by Mr. Claiborne, the convention concurred in the said report.

Mr. Cocke moved, and was seconded by Mr. Henderson, that the order

for appointing a committee to draft a constitution be rescinded, and that a less number be appointed for that purpose, which passed in the negative.

Adjourned till to-morrow, 10 o'clock, A.M.

### WEDNESDAY, JANUARY 20, 1796.

Met according to adjournment.

On motion of Mr. Roddye, seconded by Mr. Fort, the convention resolved itself into a committee of the whole convention, to reconsider the report of committee of yesterday, to wit, that the legislative power be vested in a house of representatives, and that no bill or resolution shall be passed unless by two thirds of the whole number of the members present: and after some time spent therein, Mr. President resumed the chair, and Mr. Robertson, Chairman of the committee, reported, that the committee had according to order re-considered the said report, and made several amendments thereto; which are as follows; That in lieu of a house of representatives, the legislature shall consist of two branches; a senate and house of representatives, organized upon the principles of the constitution of North Carolina, to be elected once in two years; and that the members of each house be elected by the same electors, and that the qualification of the members of each house be the same, until the next enumeration of the people of the United States, and then to be represented by numbers, retaining the principle of two representatives to one senator; provided the ratio shall be such as that both shall not exceed forty, until the numbers of the people exceed two hundred thousand, and that the number shall never exceed sixty.

Mr. Cocke, moved and was seconded by Mr. Jackson, that the convention concur in said report.

It was then moved by Mr. Outlaw, and seconded by Mr. Greenaway, that the above question be postponed, which passed in the negative.

The first question was then put and carried in the affirmative.

On motion, ordered that Messrs. Greenaway and Houston have leave of absence till Friday.

Mr. Anderson moved, and was seconded by Mr. Walton, that the report of the committee be amended by striking out the word senate, which passed in the negative.

It was then moved by Mr. Claiborne, and seconded by Mr. Carter, that the said report be amended as follows; that the senate have only a qualified negative, and that a bill, notwithstanding their dissent, shall become a law, provided two thirds of the house of representatives concur in its passage; which passed in the negative.

Adjourned till to-morrow 10 o'clock, A.M.

### THURSDAY, JANUARY 21, 1796.

Met according to adjournment.

On motion, the convention adjourned till Saturday 10 o'clock, A.M.

**SATURDAY, JANUARY 23, 1796.**

Met according to adjournment.

On motion of Mr. M'Clung, seconded by Mr. Rhea, Resolved, that the secretary, furnish the Printer with the copy of a draft of the constitution, and direct him to strike off fifty-five copies of it, for the use of the members,

Adjourned till Monday 10 o'clock, A. M.

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**MONDAY, JANUARY 25, 1796.**

Met according to adjournment.

Adjourned till to-morrow 2 o'clock, P. M.

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**TUESDAY, JANUARY 26, 1796.**

Met according to adjournment.

Adjourned till to-morrow, 10 o'clock, A. M.

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**WEDNESDAY, JANUARY 27, 1796.**

Met according to adjournment.

Mr. Smith, Chairman of the committee appointed to draft a constitution, reported the same, which was delivered in at the secretary's table, and read.

Adjourned till to-morrow 10 o'clock A. M.

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**THURSDAY, JANUARY 28, 1796.**

Met according to adjournment.

On motion of Mr. Roan, seconded by Mr. Houston, the convention resolved itself into a committee of the whole convention to take under consideration the draft of a constitution, and after some time spent therein, Mr. President resumed the chair, and Mr. Robertson, Chairman of the committee, reported that the committee had made progress in the business referred to them, but not having time to complete the same, desired leave to sit again to-morrow.

Ordered, that the committee have leave to sit again to-morrow.

Adjourned till to-morrow 10 o'clock, A. M.

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**FRIDAY, JANUARY 29, 1796.**

Met according to adjournment.

The order of the day for taking under further consideration the draft of a constitution, being called for, the convention resolved itself into a committee of the whole, to take under further consideration the draft of a con-

stitution, and after some time spent therein, the committee rose. The President being absent, Mr. Smith was appointed President, *pro tempore*, and took the chair; and Mr. Robertson, chairman of the committee, reported progress, and desired leave to sit again to-morrow.

Ordered, that the committee have leave.

Adjourned till to-morrow 10 o'clock, A. M.

## SATURDAY, JANUARY 30, 1796.

Met according to adjournment.

The order of the day for taking under further consideration the draft of a constitution being called for,

The convention resolved itself into a committee of the whole, to take under further consideration the draft of a constitution, and after some time spent therein, Mr. President, *pro tempore*, resumed the chair, and Mr. Robertson, Chairman of the committee, reported, that they had gone through the business referred to them and delivered in at the secretary's table the following :

**WE**, the People of the Territory of the United States south of the river Ohio, having the right of admission into the general government as a member state thereof, consistent with the constitution of the United States, and also the act of cession of the state of North Carolina, recognizing the ordinance for the government of the territory of the United States north west of the river Ohio, do ordain and establish the following constitution, or form of government; and do mutually agree with each other to form ourselves into a free, sovereign, and independent state, by the name of *The State of TENNESSEE*.

### ARTICLE I.

**SECTION 1.** The legislative authority shall be vested in a general assembly, composed of two distinct branches, both dependent on the people, to wit :—A senate, to consist of one member, and a house of representatives of two members for each county, for sixteen years, counting from the commencement of the second session, to be held under this constitution; and after that period, representation shall be regulated according to numbers, to be apportioned to each county, by law, upon said ratio, as that the number of senators and representatives (retaining the principle of two representatives to one senator) shall not exceed thirty-nine, until the number of free white persons shall be two hundred thousand, and after that event, upon such a ratio as that the whole number of senators and representatives shall never exceed sixty.

**SEC. 2.** The first election for senators and representatives, shall commence on the Thursday of next, and shall continue for that and the succeeding day; and the next election shall commence on the first Thursday of 179 , and shall continue on that and the succeeding day; and forever after elections shall be held once in two years, commencing on the day in and terminating the succeeding day.

**SEC. 2.** The first session of the general assembly shall commence on the day next. The second on the

day of . . . . . And forever  
 after, the general assembly shall meet on the . . . . . day of  
 . . . . . next ensuing the then election, and at no other  
 period, unless as provided for by this constitution.

SEC. 4. That no person shall be eligible to a seat in the general assembly who has not resided three years in the state, and one year in the county immediately preceding his election, and shall have attained to the age of twenty-one years, and for the same time shall have possessed, and continue to possess, in the county which he represents, not less than two hundred acres of land.

SEC. 5. That the senate and house of representatives, when met, shall each choose a speaker and other officers, be judges of the qualifications and elections of its members, and sit upon its own adjournments from day to day. Two thirds of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized by law, to compel the attendance of absent members.

SEC. 6. Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and with the concurrence of two thirds, expel a member, but not the second time for the same offence, and shall have all powers necessary for the legislature of a free state.

SEC. 7. Senators and representatives, shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

SEC. 8. Each house may punish, by imprisonment, during their session, any person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behaviour in their presence, or who, during the time of its sitting, shall threaten the body or estate of any member, for anything said or done in either house, or who shall assault any of them therefor, or who shall assault or arrest any witness or other person, ordered to attend the house, in his going to, or returning therefrom, or who shall rescue any person arrested by order of the house.

SEC. 9. Bills may originate in either house, but may be amended, altered, or rejected by the other.

SEC. 10. Neither house shall, during their session, adjourn without consent of the other, for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 11. When vacancies happen in either house, the governor, for the time being, shall issue writs of election to fill such vacancies.

SEC. 12. Every bill shall be read three times, on three different days, in each house, and be signed by the speakers thereof, before it becomes a law.

SEC. 13. After a bill has been rejected, it shall not be passed into a law during the same session.

SEC. 14. Each house shall keep a journal of its proceedings, and publish them, except such parts as the welfare of the state may require to be kept secret. And the yeas and nays of the members on any question shall, at the request of any two of them, be entered on the journals.

SEC. 15. The doors of each house, and committees of the whole, shall

be kept open, unless when the business shall be such as ought to be kept secret.

SEC. 16. Each member of the general assembly shall receive from the public treasury, a compensation for his services, of one dollar and fifty cents per day, during his attendance at any session of the general assembly, and one dollar and fifty cents for every twenty five miles he shall travel, in going to and returning from the same; but the same may be increased or diminished by law, if circumstances shall require: but no alterations shall be made by any legislature, to take effect during the existence of the legislature which shall make such alteration.

SEC. 17. No money shall be drawn from the treasury, but in consequence of appropriations made by law.

SEC. 18. No person who heretofore hath been, or hereafter may be a holder or collector of public monies, shall have a seat in either house of the general assembly, until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable or liable.

SEC. 19. No judge of any court of law or equity, secretary of state, attorney general, or clerk of any court of record, shall have a seat in the general assembly; nor shall any person, in this state, hold more than one lucrative office at one and the same time; provided, that no appointment in the militia or to the office of a justice of the peace, shall be considered as a lucrative office.

SEC. 20. No member of the general assembly shall be eligible to any office or place of trust, where the power of appointment to such office or place of trust, is vested in their own body.

SEC. 21. Any member of either house of the general assembly, shall have liberty to dissent from, and protest against any act or resolve which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the journals.

SEC. 22. All lands held in this state, by deed or grant, shall be taxed equal and uniform, in such manner, that no one hundred acres shall be taxed higher than another, except town lots, and no town lot or free man, shall be taxed higher than one hundred acres, and no slave higher than two hundred acres of land for each poll.

## ARTICLE II.

SEC. 1. The supreme executive power of this state shall be vested in a governor.

SEC. 2. The governor shall be chosen by the electors of the members of the general assembly, at the times and places where they shall respectively vote for the members thereof. The returns of every election for governor shall be sealed up, and transmitted to the seat of government, by the returning officers, directed to the speaker of the senate, who shall open and publish them in the presence of a majority of the members of both houses of the general assembly. The person having the highest number of votes, shall be governor; but if two or more shall be equal, and highest in votes, one of them shall be chosen governor, by joint ballot of both houses of the general assembly. Contested elections for governor, shall be determined by both houses of the general assembly, in such manner as shall be prescribed by law.

SEC. 3. He shall be at least thirty years of age, and possesses a freehold

estate of five hundred acres of land, and have been a citizen or inhabitant of this state four years next before his election, unless he shall have been absent on the public business of the United States, or of this state.

SEC. 4. The governor shall hold his office during the term of two years, from the fourth Tuesday in September next ensuing his election.

SEC. 5. No member of congress, or person holding any office under the United States, or this state, shall execute the office of governor.

SEC. 6. He shall be commander in chief of the army and navy of this state, and of the militia, except when they shall be called into the service of the United States.

SEC. 7. He shall have power to grant reprieves and pardons, after conviction, except in cases of impeachment.

SEC. 8. He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the period for which he shall have been elected.

SEC. 9. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices.

SEC. 10. He may on extraordinary occasions, convene the general assembly by proclamation, and shall, when met, state to them the purpose for which they shall have been convened.

SEC. 11. He shall take care that the laws shall be faithfully executed.

SEC. 12. In case of his death, or resignation, or removal from office, the speaker of the senate shall exercise the office of governor until another governor shall be duly qualified; and if the trial of a contested election shall continue longer than the fourth Tuesday of September, next ensuing the election of governor, the governor of the last year, or the speaker of the senate, who may be in the execution of the supreme executive authority, shall continue therein, until the determination of such contested election, and until a governor shall be qualified as aforesaid.

SEC. 13. A secretary of this State shall be appointed and commissioned during the term of four years.——He shall keep a fair register of all official acts and proceedings of the governor; and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before the general assembly, and shall perform such other duties as shall be enjoined on him by law.

SEC. 14. The governor shall, from time to time, give to the general assembly information of the state of the government, and recommend to their consideration such measures as he shall judge expedient.

SEC. 15. When any officer, the right of whose appointment is by this constitution vested in the general assembly, shall, during the recess, die or his office by other means become vacant, the governor shall have power to fill up such vacancy by granting a temporary commission, which shall expire at the end of the next session of the legislature.

SEC. 16. There shall be a seal of this state, which shall be kept by the governor, and used by him as occasion may require, and shall be called the great seal of the state of Tennessee.

SEC. 17. All grants and commissions shall be in the name and by the authority of the state of Tennessee, and be sealed with the state seal, and signed by the governor.

## ARTICLE III.

SEC. 1. All freemen of the age of twenty one years and upwards, possessing a freehold in the county where he may vote, and being an inhabitant of this state, and all freemen, who have been inhabitants of any one county within the state six months immediately preceding the day of election, shall be entitled to vote for members of the general assembly, for the county in which they shall respectively reside.

SEC. 2. Electors shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from them.

SEC. 3. All elections shall be by ballot.

SEC. 4. Balloting, by the people, shall be conducted under the inspection of two justices of the peace, to be summoned by the sheriff for that purpose; and that no ticket shall be counted, unless it contains as many names as there are persons to be elected.

## ARTICLE IV.

SEC. 1. The house of representatives shall have the sole power of impeachment.

SEC. 2. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation.

SEC. 3. No person shall be convicted without the concurrence of two thirds of the members of the whole house.

SEC. 4. The governor, and all civil officers under this state, shall be liable to impeachment for any misdemeanor in office; but judgment, in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honor, trust, or profit under this state.—The party shall, nevertheless, in all cases be liable to indictment, trial, judgment, and punishment, according to law.

## ARTICLE V.

SEC. 1. The judicial power of the state shall be vested in a superior court, which shall consist of three judges; in a court of pleas and sessions, and in such other courts as the legislature may, in future, conceive necessary to be established.

SEC. 2. The judges of the superior courts of law shall, besides the power with which, as a court of law, they shall be vested, also have the power of a court of chancery; but the legislature may, when the finances of the state will admit, divest the judges of the superior courts of law, of their equity jurisdiction, and constitute a court of chancery with all the powers incident to such court, and appoint a chancellor or chancellors for the state.

SEC. 3. The judges of the superior courts, shall by virtue of their office, be justices of oyer and terminer and general gaol delivery, throughout the state.

SEC. 4. The judges of the superior and inferior courts, which are now, or hereafter shall be established by law, shall not charge juries with respect to matter of fact, but may state the testimony and declare the law.

SEC. 5. The judges of the superior courts shall have power, in all civil cases, to issue writs of *certiorari*, to remove any cause, or a transcript

thereof, from any inferior jurisdiction into the superior court, on sufficient cause supported by affidavit.

SEC. 6. No judge shall sit on the trial of any cause where the parties shall be connected with him, by affinity or consanguinity, except by consent of parties. That in case all the judges of the superior court shall be interested in the event of any cause, or related to all or either of the parties, the governor of the state shall in such case specially commission three men, of law knowledge, for the determination thereof.

SEC. 7. All writs and other process, shall run, *In the name of the state of Tennessee*; and bear test, and be signed by the respective clerks. Indictments shall conclude, *Against the peace and dignity of the state*.

SEC. 8. Each court shall appoint its own clerk, who may hold his office during good behaviour.

SEC. 9. No fine shall be laid on any citizen of this state, that shall exceed fifty dollars, unless it shall be assessed by a jury of his peers, who shall assess the fine at the time they find the fact.

SEC. 10. There shall be justices of the peace appointed for each county, not exceeding two for each captain's company, except for the company which includes the county town, which shall not exceed three, who shall hold their offices during good behaviour.

#### ARTICLE VI.

SEC. 1. There shall be appointed in each county, by the county court, one sheriff, one coroner, one trustee, and a sufficient number of constables, who shall hold their offices for the term of two years. They shall also have power to appoint one register and one ranger for the county, who shall hold their offices during good behaviour. The sheriff and coroner shall be commissioned by the governor.

SEC. 2. There shall be a treasurer or treasurers in the state, appointed by joint ballot of the legislature, who may hold his or their offices for the term of two years.

SEC. 3. The appointment of all officers not otherwise directed by this constitution, shall be vested in the legislature.

#### ARTICLE VII.

SEC. 1. Captains, subalterns, and non-commissioned officers, shall be elected by those citizens, in their respective districts, who are subject to military duty.

SEC. 2. All field officers of the militia shall be chosen by those citizens in their respective counties who are subject to military duty.

SEC. 3. Brigadier generals shall be appointed by the field officers of their respective brigades.

SEC. 4. Major generals to be elected by the brigadiers and field officers of the respective divisions.

SEC. 5. The governor shall appoint the adjutant general; the major generals shall appoint their aids; the brigadier generals their brigade majors, and the commanding officers of regiments their adjutants and quarter masters.

SEC. 6. The captains and subalterns of the cavalry shall be appointed by the troops enrolled in their respective companies, and the field officers of the district shall be appointed by the said captains and subalterns, pro-

vided, that whenever any new county is laid off, that the field officers of the said cavalry shall appoint the captain and other officers therein, pro tempore, until the company is filled up and completed, at which time the election of the captains and subalterns shall take place as aforesaid.

#### ARTICLE VIII.

SEC. 1. Whereas the ministers of the gospel are, by their professions, dedicated to God and the cure of souls, and ought not to be diverted from the great duties of their functions; therefore no minister of the gospel, or priest of any denomination whatever, shall under any pretence or description be eligible to, or capable of holding any civil or military office or place of trust within this state.

SEC. 2. No man belonging to any sect or denomination of religion, the tenets of which are known to be opposed to the bearing of arms, shall be liable to be fined for non attendance at general or private musters.

#### ARTICLE IX.

SEC. 1. That every person, who shall be chosen or appointed to any office of trust or profit, shall, before entering on the execution thereof, take an oath to support the constitution of this state, and also an oath of office.

SEC. 2. That each member of the senate and house of representatives, shall, before they proceed to business, take an oath or affirmation of fidelity to this state, and also the following oath:

I, A. B. do solemnly swear (or affirm) that as a member of this general assembly, I will in all appointments vote without favor, affection, partiality, or prejudice, and that I will not propose or assent to any bill, vote, or resolution which shall appear to me injurious to the people, or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the constitution of this state.

SEC. 3. Any elector who shall receive any gift or reward for his vote, in meat, drink, money, or otherwise, shall suffer such punishment as the laws shall direct. And any person who shall, directly or indirectly give, promise or bestow any such reward to be elected, shall thereby be rendered incapable, for two years, to serve in the office for which he was elected, and be subject to such further punishment as the legislature shall direct.

SEC. 4. The stile of the laws of this state, shall be, *Be it enacted by the general assembly of the state of Tennessee.*

SEC. 5. No article to be manufactured of the produce of this state, shall be taxed otherwise than to pay inspection fees.

SEC. 6. Until a land office shall be opened, so as to enable the citizens south of French Broad and Holston, between the rivers Tennessee and Big Pigeon, to obtain titles upon their claims of occupancy and pre-emption, those who hold lands by virtue of such claims, shall be eligible to serve in all capacities, where a freehold is by this constitution made a requisite qualification.

SEC. 7. No new county shall be established by the general assembly, which shall reduce the county or counties or either of them, from which it shall be taken, to a less content than six hundred and twenty five square miles. Nor shall any new county be laid off, of less contents. All new counties, as to the right of suffrage and representation, shall be considered as a part of the county or counties from which it was taken, until

entitled by numbers to the right of representation. No bill shall be introduced, nor passed into a law, for the establishment of a new county, except upon a petition to the general assembly, for that purpose, signed by one hundred of the free male inhabitants of the county or counties from which the new county is prayed to be taken.

### ARTICLE X.

SEC. 1. That the first general assembly to be held under the authority of this constitution, shall be at Knoxville, and may adjourn to such place as they may think proper, until the situation of this State will permit the fixing a permanent seat of government, which shall be established as nearly central as convenience will admit.

SEC. 2. All laws now in force and use in this territory, not inconsistent with this constitution, shall continue to be in force and use in this state, until they shall expire, be altered, or repealed by the legislature.

SEC. 3. The declaration of rights is hereby declared to be a part of the constitution of this state, and shall never be violated on any pretence whatever. And to guard against transgressions of the high powers which we have delegated, we declare, that every thing in the bill of rights contained, and every other right not hereby delegated, is excepted out of the general powers of government, and shall forever remain inviolate.

SEC. 4. That whenever two thirds of the general assembly shall think it necessary to amend or change this constitution, they shall recommend to the electors, at the next election for members to the general assembly, to vote for or against a convention; and if it shall appear that a majority of all the citizens of the state, voting for representatives, have voted for a convention, the general assembly shall, at their next session, call a convention, to consist of as many members as there shall be in the general assembly to be chosen in the same manner, at the same places, at the same time and by the same electors, that chose the general assembly, who shall meet within three months after the said election, for the purpose of revising, amending or changing the constitution.

### SCHEDULE.

That no inconvenience may arise from a temporary to a permanent government, and to prevent any chasm in the change, it is declared that all rights, actions, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, shall continue, as if no change had taken place in the administration of government.

The governor, secretary, judges and brigadiers general have a right, by virtue of their appointments, under the authority of the United States, to continue in the exercise of the duties of their respective offices, in their several departments, until the day of

All officers, civil and military, who have been appointed by the governor, shall continue to exercise their respective offices until the

day of

Adjourned till Monday 10 o'clock, A. M.

MONDAY, FEBRUARY 1, 1796.

Met according to adjournment.

MR. M'Minn moved, and was seconded by Mr. Mitchell, that the bill of rights be read for the last time, which was objected to; and the question being put, it passed in the negative.

It was then moved by Mr. Rhea, and seconded by Mr. Carter, that the convention proceed to take under consideration the constitution, as reported by the committee of the whole convention, which was unanimously agreed to.

Mr. Rhea moved, and was seconded by Mr. Mitchell, that the blank in the second section of the first article, for the first election of members of the general assembly, be filled with the word 'March.'

Mr. Robertson moved, and was seconded by Mr. Cocke, that the above question be postponed, which was determined in the affirmative.

It was then moved by Mr. Outlaw, and seconded by Mr. Anderson, whether it is the sense of this house, that if we should not be admitted by Congress as a member state of the general government, that we should continue to exist as an independent state.

Mr. Cocke then moved, and was seconded by Mr. David Shelby, that the above question be postponed, which was objected to; the question was then put; and carried in the affirmative.

Mr. Fort then moved, and was seconded by Mr. Carter, that the blank in the second section of the first article for the first election of members of the general assembly, be filled with the word 'March,' which was agreed to.

It was then moved by Mr. Rhea, seconded by Mr. Roan, that the blank for the second election be filled with 'August, 1797,' which was agreed to.

On motion of Mr. Rhea, seconded by Mr. Houston, Resolved, that the blank for the commencement of the first general assembly, be filled with the words 'last Monday of March next.'

Mr. Rhea moved, and was seconded by Mr. Lewis, that the blank for the commencement of the second session of the general assembly be filled with the words 'third Monday of September, 1797,' which carried in the affirmative.

Mr. John Shelby moved, and was seconded by Mr. Claiborne, that the 17th section of the first article be stricken out, for the purpose of inserting the following: 'That the legislature of this state shall not allow the following officers of government greater annual salaries than is as follows, until the year 1804, to wit.

The governor not more than 750 dollars.

The judges of the supreme court, not more than 600 dollars.

The Secretary not more than 400 dollars.

The treasurer not more than two and an half per cent for receiving and paying out all monies.

No member of the general assembly, per day, shall receive more than two dollars, and the same for every thirty miles to and from the assembly.'

It was then moved by Mr. Anderson, and seconded by Mr. Outlaw, that the above question be postponed, for the purpose of bringing forward the

following: 'The salaries of the several officers of government shall be as follows, until the year 1800, viz.

The governor, 800 dollars.

The judges of superior court, 700 do.

The secretary, 400 do.

Members of the general assembly, per day, 1 dollar and 75 cents.

The treasurer two and an half per cent. for receiving and paying out all monies,' which passed in the negative.

Mr. Walton then moved, and was seconded by Mr. D. Shelby, that the original motion be postponed, for the purpose of bringing forward the following:

'The salaries of the several officers of government shall not be altered by the legislature so as to exceed the sums hereinafter enumerated, prior to the year 1804, to wit: To the governor, 700 dollars per annum; to each of the judges of the superior court, 500 dollars; to the secretary of state, 400 dollars; to each member of the legislature, 1 dollar and 50 cents per day, and the same for every twenty five miles he travels in going to, and returning from the general assembly; to the treasurer two and an half per cent;,' which passed in the negative.

The first question was then called for, put, and carried in the affirmative.

It was then moved by Mr. Roddye, and seconded by Mr. D. Shelby, that the words 'two dollars' be stricken out, to insert 'one dollar and seventy five cents;,' which passed in the negative.

Mr. Walton moved, and was seconded by Mr. D. Shelby, that the words 'six hundred dollars to each judge,' be stricken out, which passed in the negative.

Mr. M'Minn moved, and was seconded by Mr. Fort, that the words 'town lots' in the twenty second section of the first article, be stricken out, which passed in the negative.

Mr. M'Minn then moved, and was seconded by Mr. D. Shelby, that the twenty-second section of the first article be stricken out, which passed in the negative.

Mr. Outlaw moved, and was seconded by Mr. Cocke, that the word 'thirty' in the third article of the second section be stricken out, to insert 'twenty-five' which was agreed to.

Mr. Outlaw moved, and was seconded by Mr. Roan, that the second section of the fourth article be stricken out, for the purpose of inserting in lieu the following:

'The first governor appointed, shall hold his office until the fourth Tuesday of September, 1797, and until another governor shall be elected and qualified to office; and forever after shall hold his office for the term of two years, and until another governor shall be elected and qualified to office; but shall not be eligible to office more than six years in any term of eight.

Mr. Henderson moved, and was seconded by Mr. Berry, that the first section in the third article be stricken out, for the purpose of inserting the following:

'All citizens of this state, possessing a freehold in their own right, and all persons who have done duty in the militia, shall be entitled to vote at.

any election, in the county where the freehold lies, or where he resides; ' which passed in the negative.

Mr. Outlaw moved, and was seconded by Mr. M'Minn, that all persons liable by law to do militia duty, shall have liberty to vote for members to the general assembly; which was objected to; whereupon the yeas and nays were called for by Mr. Rutledge, and seconded by Mr. M'Minn, which are as follows:

#### YEAS.

Messrs. Craig, Greenaway, Glass, Houston, Black, Galbreath, Berry, M'Minn, Henderson, Cocke, Mitchell, Outlaw, Doherty, Rutledge, Claiborne, Bryan, Wear, Spencer Clack, John Clack, Buckenham, Ford, Tipton, Hanley, Taylor and Carter.

#### NAYS.

Messrs. M'Nairy, Robertson, Hardeman, Lewis, Frazier, Baker, Brooks, Rankin, Anderson, Roddye, Roan, White, Blount, M'Clung, Adair, Crawford, John Shelby, Rhea, David Shelby, Walton, Wm. Douglass, Edward Douglass, Smith, Johnston, Fort, Wm. Prince, Robert Prince, and Stuart.

Mr. Anderson moved, and was seconded by Mr. M'Minn, that the third section of the third article be stricken out, for the purpose of inserting the following: 'Whereas an opinion hath prevailed among great numbers of good people of this state, that voting at elections *viva voce*, would tend more to the satisfaction and independence of the people than voting by ballot; to the end, therefore, that a fair experiment be made which of those two methods of voting is to be preferred: Be it ordained, that all elections hereafter to be held in this state, shall be *viva voce*; and it is further ordained, that if, after a full and fair experiment shall be made by voting *viva voce*, the same shall be found less conducive to the satisfaction and independence of the citizens than the method of voting by ballot, it shall be lawful and constitutional for the legislature to abolish the same; provided that a majority of the members present in each house respectively concur therein; which was objected to; whereupon the yeas and nays were called for by Mr. Anderson, and seconded by Mr. M'Minn, which are as follows:

#### YEAS.

Messrs. Black, M'Nairy, Robertson, Hardeman, Lewis, Rankin, Baker, Berry, M'Minn, Henderson, Cocke, Mitchell, Outlaw, Anderson, Doherty, Rutledge, Bryan, Wear, Buckenham, and Hanley.

#### NAYS.

Messrs. Craig, Greenaway, Glass, Houston, Frazier, Brooks, Galbreath, Roddye, Roan, White, Blount, M'Clung, Adair, Crawford, Claiborne, John Shelby, Rhea, David Shelby, Walton, Wm. Douglass, Edward Douglass, Smith, Spencer Clack, John Clack, Johnston, Fort, Ford, Wm. Prince, Robert Prince, Tipton, Taylor, Carter, and Stuart.

And adjourned till to-morrow 10 o'clock, P. M.

TUESDAY, FEBRUARY 2, 1796.

Met according to adjournment.

Mr. Robertson moved, and was seconded by Mr. Rhea, that the first section of the fifth article be struck out, for the purpose of inserting the following: 'The judicial power of the state, shall be vested in such superior and inferior courts of law and equity, as the legislature shall, from time to time, direct and establish;' which was agreed to.

Mr. Robertson moved, and was seconded by Mr. Rhea, that the second section of the fifth article be struck out, for the purpose of inserting the following: 'The general assembly shall by joint ballot of both houses, appoint judges of the several courts of law and equity, also an attorney or attorneys for the state, who shall hold their several offices during good behaviour;' which carried in the affirmative.

Mr. Robertson then moved, and was seconded by Mr. Rhea, that the following be inserted as the third section of the fifth article, to wit: 'judges of the superior courts shall receive no fees or perquisites of office, other than is allowed by this constitution, or by law, nor hold any other office of trust or profit under this state, or the United States,' which was determined in the affirmative.

Mr. Claiborne moved, and was seconded by Mr. Cocke, that the first section of the eighth article be struck out, which was objected to, whereupon the yeas and nays were called for by Mr. Handley, and seconded by Mr. Galbreath, which are as follows:

#### YEAS.

Messrs. Jackson, Robertson, Frazier, Rankin, Galbreath, Baker, Cocke, Outlaw, Doherty, Roan, White, Adair, Crawford, Rutledge, Claiborne, Walton, Edward Douglass, Buckenham, William Prince, Tipton, Hanley, Taylor, Carter, and Stuart.

#### NAYS.

Messrs. Craig, Greenaway, Black, Glass, Houston, M'Nairy, Hardiman, Lewis, Brooks, Berry, M'Minn, Henderson, Mitchell, Anderson, Roddy, Blount, M'Clung, Gammon, John Shelby, Rhea, David Shelby, William Douglass, Smith, Bryan, Wear, Spencer Clack, John Clack, Johnston, Ford, Fort, and Robert Prince.

Mr. Carter moved, and was seconded by Mr. Jackson, that the words at any time hereafter, under any pretence or description whatever be eligible to, or capable of holding any civil or military office, or place of trust within this state, in the first section of the eighth article, be struck out, for the purpose of inserting the following; 'be eligible to a seat in either branch of the legislature;' which carried in the affirmative.

Mr. Doherty moved, and seconded by Mr. Roan, that the following be inserted as a section in the constitution: 'No person who publicly denies the being of a God, and future rewards and punishments, or the divine authority of the old and new testament, shall hold any office in the civil department in this state;' which was agreed to.

Mr. Carter then moved, and was seconded by Mr. Mitchell, that the words 'or the divine authority of the old and new testament,' be struck out, which was objected to; whereupon the yeas and nays were called for,

by Mr. Doherty, and seconded by Mr. Spencer Clack, which are as follows:

### YEAS.

Messrs. M'Nairy, Jackson, Robertson, Hardiman, Lewis, Berry, Henderson, Cocke, Mitchell, Outlaw, Blount, M'Clung, Claiborne, J. Shelby, Rhea, D. Shelby, Walton, W. Douglass, E. Douglass, Smith, Bryan, Buckingham, Ford, Fort, R. Prince, Carter, and Stuart.

### NAYS.

Messrs. Craig, Greenaway, Black, Glass, Houston, Frazier, Brooks, Rankin, Galbreath, Baker, M'Minn, Anderson, Doherty, Roddy, Roan, White, Adair, Crawford, Rutledge, Gammon, Wear, S. Clack, J. Clack, Johnson, Tipton, and Taylor.

On motion of Mr. Johnston, seconded by Mr. Cocke, Resolved, that the order for the President to adjourn the convention at three o'clock, be rescinded.

Adjourned till to-morrow, 10 o'clock, A. M.

## WEDNESDAY, FEBRUARY 3, 1796.

Met according to adjournment.

Mr. Adair moved, and was seconded by Mr. Crawford, that the first section of the tenth article be struck out, for the purpose of inserting the following: 'Knoxville shall be the seat of government until the year one thousand eight hundred and four'—which was agreed to.

Mr. Jackson then moved, and was seconded by Mr. Lewis, that the word 'four' in the above mentioned section, be struck out, and the word 'two' inserted in lieu, which was agreed to.

Mr. Anderson moved, and was seconded by Mr. Stuart, that the first blank in the schedule be filled with the words 'government under the authority of this constitution shall be organized.'

Mr. Rhea then moved, and was seconded by Mr. Carter, that the above question be postponed, which carried in the affirmative.

It was then moved by Mr. Rhea, and seconded by Mr. Carter, that the first blank in the schedule be filled as follows: 'said officers are superceded under the authority of this constitution,' which was determined in the affirmative.

Mr. Fort moved, and was seconded by Mr. Black, that the second blank in the schedule be filled as follows: 'second Monday in June, and until successors in office shall be appointed under the authority of this constitution, and duly qualified' which was carried in the affirmative.

Mr. Fort moved, and was seconded by Mr. Rhea, that the following be inserted as a section in the schedule: 'That the next election for representatives and other officers to be held for the county of Tennessee shall be held at the house of William Miles,' which was carried in the affirmative.

On motion of Mr. Carter, seconded by Mr. M'Clung, the engrossed copy of the bill of rights was taken up, read and passed.

On motion of Mr. Rhea, seconded by Mr. Jackson, Resolved, that the

resolution entered into for prefixing the bill of rights to the constitution, be rescinded.

It was then moved by Mr. Rhea, seconded by Mr. Roan, that the bill of rights be made the eleventh article of the constitution, which carried in the affirmative.

Mr. D. Shelby moved, and was seconded by Mr. W. Douglass, that the first section of the first article be struck out, for the purpose of inserting the following: 'The legislative authority shall be vested in a general assembly composed of two distinct branches, both dependant on the people, to wit: A senate, to consist of one member, and a house of representatives of two members for each county until the end of the second session to be held under the constitution; and after that period representation shall be regulated according to numbers, to be apportioned by law upon such ratio as that the number of senators and representatives retaining the principle of two representatives to one senator, shall not exceed thirty-nine until the number of free white persons shall be two hundred thousand, and after that event upon such ratio as that the whole number of senators and representatives shall never exceed sixty.'

Mr. Rhea then moved, and was seconded by Mr. Mitchell, that the above question be postponed, which was agreed to.

On motion of Mr. Rhea seconded by Mr. Carter, resolved, that a committee of three be appointed to draft the first section of the first article, and that Messrs. Anderson, Shelby, and M'Clung compose the same.

Mr. Cocke moved, and was seconded by Mr. Jackson, that the fourth section of the first article be struck out, for the purpose of inserting the following; 'that no person shall be eligible to a seat in the general assembly who has not resided three years in this state and one in the county immediately preceding the election, and shall possess in his own right in the county which he represents, not less than two hundred acres of land and shall have attained to the age of twenty one years, which was agreed to.'

Mr. Jackson moved, and was seconded by Mr. Robertson, that the eighth section of the first article be amended by striking out the latter part of it, from the word, 'presence,' which carried in the affirmative.

Mr. Outlaw moved, and was seconded by Mr. M'Minn, that the twelfth section of the first article be amended, by inserting the following, to wit: Bills shall originate in either house and pass both houses the first reading for information, and shall also pass both houses the second time for debate and amendments, and shall pass on for the third reading, and if on the third reading, the bill passes the house it originates in; and is rejected in the other, then and in that case, the house that the bill originated in shall convene themselves into the house that rejected the bill, and after fairly investigating the same, the bill shall pass or not pass by a majority of the whole of both houses so convened; which passed in the negative; whereupon the yeas and nays were called for by Mr. Outlaw, and seconded by Mr. Doherty, which are as follows:

#### YEAS.

Messrs. Craig, Greenaway, Glass, Houston, M'Nairy, Hardiman, Frazier, Rankin, Galbreath, Baker, M'Minn, Outlaw, Anderson, Doherty, D. Shelby, S. Clack, J. Clack, Buckingham, and Hanley.

## NAYS.

Messrs. Black, Jackson, Robertson, Lewis, Brooks, Berry, Henderson, Cocke, Mitchell, Roddy, Roan, White, Blount, M'Clung, Adair, Crawford, Rutledge, Claiborne, Gammon, J. Shelby, Rhea, Walton, W. Douglass, E. Douglass, Smith, Bryan, Wear, Johnston, Ford, Fort, W. Prince, R. Prince, Tipton, Taylor, Carter, and Stuart.

Adjourned till to-morrow 10 o'clock A. M.

## THURSDAY, FEBRUARY 4, 1796.

Met according to adjournment.

Mr. Anderson chairman of the committee, to whom was referred the drafting of the first section of the first article, reported the following, to wit:

## ARTICLE I.

SEC. 1. The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives, both dependent on the people.

SEC. 2. Within three years after the first meeting of the general assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made in such manner as shall be directed by law. The number of representatives shall at the several periods of making such enumeration, be fixed by the legislature, and apportioned among the several counties according to the number of taxable inhabitants in each, and shall never be less than twenty two, nor greater than twenty-six, until the number of taxable inhabitants shall be forty thousand; and after that event, at such ratio that the whole number of representatives shall never exceed forty.

SEC. 3. The number of senators shall at the several periods of making the enumeration before mentioned, be fixed by the legislature, and apportioned among the districts, formed as herein after directed, according to the number of taxable inhabitants in each, and shall never be less than one third, nor more than one half, of the number of representatives.

SEC. 4. The senators shall be chosen by districts, to be formed by the legislature, each district containing such a number of taxable inhabitants as shall be entitled to elect not more than three senators. When a district shall be composed of two or more counties, they shall be adjoining, and no county shall be divided in forming a district.

## SCHEDULE.

Until the first enumeration shall be made, as directed in the second section of the first article of this constitution, the several counties shall be respectively entitled to elect one senator and two representatives.

JOSEPH ANDERSON, Chairman.

Which was read and concurred with.

Mr. Lewis moved, and was seconded by Mr. Rhea, that the words 'two, and an half per cent to the treasurer for receiving and paying out monies,' be struck out for the purpose of inserting 'three,' which carried in the affirmative.

Mr. Roan then moved, and was seconded by Mr. Jackson, that the

word 'three' be struck out, to insert 'four' which was determined in the affirmative.

Mr. Robertson moved, and was seconded by Mr. Frazier, that the words 'two dollars per day to each member of the general assembly be struck out for the purpose of inserting 'one dollar and seventy five cents,' which carried in the affirmative.

On motion of Mr. Outlaw, seconded by Mr. Rhea, the word 'register' was inserted in the nineteenth section of the first article.

On motion of Mr. Lewis, seconded by Mr. Claiborne, the words 'no person holding any office under the authority of the United States,' was inserted in the said section.

Mr. Robertson moved, and was seconded by Mr. Lewis, that the attorney or attorneys for the state shall receive a compensation for their services, not exceeding fifty dollars for each superior court he shall attend—which was carried in the affirmative.

Mr. Rhea then moved, and was seconded by Mr. Cocke, that the word 'fifty' be struck out, to insert 'twenty five,' which was negatived.

Mr. M'Nairy moved, and was seconded by Mr. Rutledge, that the 22d section of the first article be struck out, for the purpose of inserting the following: 'All lands held in this state, by deed, grant, or entry, shall be taxed equal and uniform, in such manner that no one hundred acres shall be taxed higher than another, except town lots. No freeman shall be taxed higher than one hundred acres of land, and no slave higher than two hundred acres on each poll, which carried in the affirmative.

Mr. M'Clung then moved, and was seconded by Mr. Mitchell, that the words 'town lots' be struck out, which passed in the negative.

It was then moved by Mr. Cocke, and seconded by Mr. Mitchell, that the section be amended by inserting 'no town lot shall be taxed higher than two hundred acres of land,' which was agreed to.

Mr. Jackson moved, and was seconded by Mr. Carter, that the following be inserted as a section in the constitution, 'The judges or justices of the inferior courts of law shall have power in all civil cases, to issue writs of *certiorari*, to remove any cause, or a transcript thereof, from any inferior jurisdiction into their court, on sufficient cause, supported by oath or affirmation, which carried in the affirmative.

Mr. Wear moved and was seconded by Mr. Rhea, that the second section of the sixth article be struck out, to insert the following; 'There shall be one treasurer for the state, who shall hold his office for two years, and keep the same, at the seat of government, which carried in the affirmative.

Mr. J. Shelby moved, and was seconded by Mr. M'Minn, to strike out the last section of the eighth article, which was determined in the negative; whereupon the yeas and nays were called for by Mr. M'Minn, and seconded by Mr. Rhea, which are as follows:

#### YEAS.

Messrs. Outlaw, Rutledge, Gammon, J. Shelby, Rhea, Hardiman, Berry, M'Minn, Henderson, Mitchell, White, Adair, Crawford, D. Shelby, Wear, and R. Prince.

#### NAYS.

Messrs. Craig, Greenaway, Black, Glass, Houston, Frazier, Brooks,

Rankin, Galbreath, Baker, Anderson, Doherty, Roddye, Roan, Claiborne, M'Nairy, Jackson, Robertson, Lewis, Cocke, Blount, M'Clung, Walton, E. Douglass, W. Douglass, Smith, Bryan, S. Clack, J. Clack, Buckingham, Tipton, Hanley, Taylor, Carter, Stuart, Johnston, Ford, Fort, and W. Prince.

Mr. Hardiman moved, and was seconded by Mr. Jackson, that the following be made a rule of this house; that when any motion, shall come before the house, and fairly debated, and decided by a majority thereof, the same shall not a second time be brought before the house, by the minority, unless it appears that some of the majority have changed their minds on said question, which was negatived.

Mr. Johnston moved, and was seconded by Mr. Anderson, that the following be added to the seventeenth section of the ninth article; provided that not more than one new county from each district be entitled to representation, previous to taking the first enumeration, which carried in the affirmative.

Mr. Cocke moved, and was seconded by Mr. Carter, to strike out the following section, in the eighth article: 'Laws for the encouragement of virtue, and prevention of vice and immorality ought to be passed, which was agreed to.

Mr. Rhea moved, and was seconded by Mr. Claiborne, that the words 'or the divine authority of the old and new testament, in a section of the eighth article be struck out, which was agreed to; whereupon the yeas and nays were called for by Mr. Doherty and seconded by Mr. Galbreath, which are as follows:

#### YEAS.

Messrs. M'Nairy, Jackson, Robertson, Hardiman, Lewis, Berry, Henderson, Cocke, Mitchell, Outlaw, Claiborne, J. Shelby, Rhea, Blount M'Clung, D. Shelby, Walton, W. Douglass, Smith, Bryan, Buckenham, Ford, Fort, W. Prince, R. Prince, Handley, Carter, and Stuart.

#### NAYS.

Messrs. Craig, Greenaway, Black, Glass, Houston, Frazier, Brooks, Rankin, Galbreath, Baker, M'Minn, Anderson, Doherty, Roddye, Roan, Rutledge, Gammon, White, Adair, Crawford, Wear, S. Clack, J. Clack, Johnson, Tipton, Taylor.

Adjourned till to-morrow 10 o'clock, A. M.

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### FRIDAY, FEBRUARY 5, 1796.

Met according to adjournment.

On motion of Mr. Jackson, seconded by Mr. Cocke, the words "or treasurers" after the word "treasurer," was inserted in the twenty second section of the first article.

It was then moved by Mr. Doherty, seconded by Mr. Galbreath, that the words, "attorney at law," after the words "attorney general," in the twenty third section of the first article, be inserted, which was determined in the negative.

It was then moved by Mr. Jackson, and seconded by Mr. Mitchell, that the following be inserted in the twenty-sixth section of the first article,

after the words "all lands," to wit, "liable to taxation," which was agreed to.

Mr. Roddy moved and was seconded by Mr. Fort, that the words "town lots" in the said section be struck out, which was negatived.

Mr. Roan moved and was seconded by Mr. Mitchell, that the third section of the fifth article be struck out for the purpose of amending it, which was agreed to.

Mr. Jackson moved, and was seconded by Mr. R. Prince, that the second section of the sixth article be struck out for the purpose of inserting the following :

"There shall be a treasurer or treasurers appointed for the state who shall hold his or their office, for two years;" which carried in the affirmative.

Mr. Fort moved, and was seconded by Mr. Black, that the seventh section of the seventh article be struck out, for the purpose of inserting the following : "The legislature shall pass laws exempting citizens belonging to any sect or denomination of religion, the tenets of which are known to be opposed to the bearing of arms, from attending private or general musters;" which carried in the affirmative.

Mr. Robertson moved, and was seconded by Mr. Rutledge, to strike out the first section of the eighth article, which was negatived.

It was then moved by Mr. Jackson, and seconded by Mr. Mitchell, that the second section of the eighth article be struck out, which was negatived.

It was then moved by Mr. Lewis, and seconded by Mr. Rhea, to strike out the word "publicly" in the second section of the eighth article, which was agreed to.

Mr. Johnston moved, and was seconded by Mr. M'Clung, that the latter part of the fourth section of the ninth article be struck out, to insert the following : "No bill shall be passed into a law for the establishment of a new county, except upon a petition to the general assembly for that purpose, signed by two hundred of the free male inhabitants within the limits or bounds of such new county, prayed to be laid off, which carried in the affirmative."

Mr. Anderson moved, and was seconded by Mr. Claiborne, that the fourteenth section of the ninth article be struck out, to the words "contents;" which passed in the negative.

On motion of Mr. Jackson, seconded by Mr. Hardiman, resolved, that a committee of three be appointed to examine the engrossed copy of the constitution, and Messrs. Smith, Rhea and M'Nairy, were appointed for that purpose.

Mr. Jackson moved, and was seconded by Mr. Lewis, that a committee of five be appointed, to draw up an estimate of the expences of the convention; which was agreed to, and Messrs. D. Shelby, M'Clung, Roan, Jackson, and Fort, were appointed for that purpose.

Adjourned till to-morrow, 10 o'clock, A. M.

## SATURDAY, FEBRUARY 6, 1796.

Met according to adjournment.

Mr. M'Clung, chairman of the committee appointed to draw up an estimate of the expences of the convention, reported the following :

Estimate of the wages of the convention, clerks and door keeper, began and held at Knoxville, on the 11th day of January, and ending the 6th day of February, 1796, allowing one dollar and fifty cents per day for each member, and one dollar for every thirty miles travelling to, and returning from the same, agreeable to a unanimous resolution of the convention of the 12th of January ; two dollars and fifty cents per day to the clerks; and two dollars to the door keeper.

| NAMES.            | County.           | No. of days. | Pay per day. | No. of miles. | Pay per 30m. | Amount. |
|-------------------|-------------------|--------------|--------------|---------------|--------------|---------|
| David Craig,      | <i>Blount,</i>    | 27           | \$1 50       | 40            | 1            | \$41 83 |
| James Greenaway,  |                   | 27           | 1 50         | 40            | 1            | 41 83   |
| Joseph Black,     |                   | 27           | 1 50         | 30            | 1            | 41 50   |
| Samuel Glass,     |                   | 27           | 1 50         | 20            | 1            | 41 16   |
| James Houston,    |                   | 26           | 1 50         | 45            | 1            | 40 50   |
| John M'Nairy,     | <i>Davidson,</i>  | 27           | 1 50         | 400           | 1            | 53 83   |
| Andrew Jackson,   |                   | 27           | 1 50         | 300           | 1            | 53 16   |
| James Robertson,  |                   | 27           | 1 50         | 400           | 1            | 53 83   |
| Thomas Hardiman,  |                   | 27           | 1 50         | 400           | 1            | 53 83   |
| Joel Lewis,       |                   | 27           | 1 50         | 400           | 1            | 53 83   |
| Samuel Frazier,   | <i>Greene,</i>    | 27           | 1 50         | 160           | 1            | 45 83   |
| Stephen Brooks,   |                   | 27           | 1 50         | 160           | 1            | 45 83   |
| William Rankin,   |                   | 27           | 1 50         | 130           | 1            | 44 83   |
| Elisha Baker,     |                   | 27           | 1 50         | 130           | 1            | 44 83   |
| John Galbreath,   |                   | 27           | 1 50         | 160           | 1            | 45 83   |
| James Perry,      | <i>Hawkins,</i>   | 27           | 1 50         | 120           | 1            | 44 50   |
| Joseph M'Min,     |                   | 27           | 1 50         | 160           | 1            | 46 16   |
| Thomas Henderson, |                   | 27           | 1 50         | 100           | 1            | 43 83   |
| William Cocke,    |                   | 27           | 1 50         | 100           | 1            | 43 83   |
| Richard Mitchell, |                   | 27           | 1 50         | 140           | 1            | 45 16   |
| Alexander Outlaw, | <i>Jefferson,</i> | 27           | 1 50         | 100           | 1            | 43 83   |
| Joseph Anderson,  |                   | 27           | 1 50         | 100           | 1            | 43 83   |
| George Doherty,   |                   | 27           | 1 50         | 60            | 1            | 43 50   |
| James Roddy,      |                   | 27           | 1 50         | 100           | 1            | 43 83   |
| Archibald Roane,  |                   | 27           | 1 50         | 90            | 1            | 43 50   |
| James White,      | <i>Knox,</i>      | 27           | 1 50         |               | 1            | 40 50   |
| William Blount,   |                   | 27           | 1 50         |               | 1            | 40 50   |
| Charles M'Clung,  |                   | 27           | 1 50         |               | 1            | 40 50   |
| John Crawford,    |                   | 27           | 1 50         |               | 1            | 40 50   |
| John Adair,       |                   | 27           | 1 50         |               | 1            | 37 50   |

|                             |                    |    |        |     |   |         |
|-----------------------------|--------------------|----|--------|-----|---|---------|
| George Rutledge,            | <i>Sullivan,</i>   | 27 | \$1 50 | 240 | 1 | \$48 50 |
| William C. C. Claiborne,    |                    | 27 | 1 50   | 190 | 1 | 46 83   |
| Richard Gammon,             |                    | 27 | 1 50   | 230 | 1 | 48 16   |
| John Shelby, jun.           |                    | 27 | 1 50   | 260 | 1 | 49 16   |
| John Rhea,                  |                    | 27 | 1 50   | 240 | 1 | 48 50   |
| D. Shelby,                  | <i>Sumner,</i>     | 26 | 1 50   | 350 | 1 | 50 66   |
| Isaac Walton,               |                    | 26 | 1 50   | 370 | 1 | 51 33   |
| W. Douglass,                |                    | 26 | 1 50   | 360 | 1 | 51      |
| Edward Douglass,            |                    | 26 | 1 50   | 360 | 1 | 51      |
| Daniel Smith,               |                    | 26 | 1 50   | 370 | 1 | 51 33   |
| Peter Bryan,                | <i>Sevier,</i>     | 27 | 1 50   | 40  | 1 | 41 83   |
| Samuel Wear,                |                    | 27 | 1 50   | 60  | 1 | 42 50   |
| Spencer Clack,              |                    | 27 | 1 50   | 60  | 1 | 42 50   |
| John Clack,                 |                    | 27 | 1 50   | 60  | 1 | 42 50   |
| Thomas Buckenham,           |                    | 27 | 1 50   | 40  | 1 | 41 83   |
| Thomas Johnston,            | <i>Tennessee,</i>  | 27 | 1 50   | 400 | 1 | 53 83   |
| James Ford,                 |                    | 27 | 1 50   | 440 | 1 | 55 16   |
| William Fort,               |                    | 27 | 1 50   | 440 | 1 | 55 16   |
| William Prince,             |                    | 27 | 1 50   | 440 | 1 | 55 16   |
| Robert Prince,              |                    | 27 | 1 50   | 440 | 1 | 55 16   |
| John Tipton,                | <i>Washington,</i> | 27 | 1 50   | 218 | 1 | 47 76   |
| Samuel Handly,              |                    | 27 | 1 50   | 180 | 1 | 46 50   |
| Leeroy Taylor,              |                    | 27 | 1 50   | 192 | 1 | 46 90   |
| Landon Carter,              |                    | 27 | 1 50   | 236 | 1 | 48 36   |
| James Stuart,               |                    | 27 | 1 50   | 200 | 1 | 47 16   |
| William Maclin, secretary,  |                    | 27 | 2 50   |     |   | 67 50   |
| Do. for stationary and en-  |                    |    |        |     |   | 65      |
| grossing,                   |                    |    |        |     |   |         |
| J. Sevier, jun. assistant,  |                    | 27 | 2 50   |     |   | 67 50   |
| John Rhea, door keeper,     |                    | 27 | 2      |     |   | 54      |
| Do. for fire wood, candles, |                    |    |        |     |   |         |
| stands, &c.                 |                    |    |        |     |   | 22 50   |
| James White, paid by him    |                    |    |        |     |   |         |
| for seats for the conven-   |                    |    |        |     |   |         |
| tion,                       |                    |    |        |     |   | 10      |
| Do. for 3 1-2 yards oil     |                    |    |        |     |   |         |
| cloth,                      |                    |    |        |     |   | 2 62    |
| Geo. Roulstone, Printer,    |                    |    |        |     |   | 166 66  |

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*Resolved*, that it is the unanimous wish of the members of this convention, that the monies appropriated to their use by law, and not by them received, may be appropriated by the general assembly to the payment of the secretary, clerk, printer and doorkeeper, or so much thereof as will be sufficient to pay them for their services, and that the printer be directed to print fifty copies of the constitution, and ten copies of the journal for each county, to be delivered to the members of this convention, and by them to be distributed for the information and benefit of the citizens.

*Resolved*, that David Henley, esq. agent of the department of war, is entitled to the thanks of this convention, for his polite offer of the room in

which the session has been held, and that the President be requested to present him with the same.

On motion, the engrossed copy of the constitution was read and passed unanimously.

On motion of Mr. Rhea, seconded by Mr. Johnston, *Resolved*, that the president of this convention be intrusted to take the constitution into his safe-keeping, until a secretary shall be appointed and qualified to office under it, and then to deliver it to him.

On motion of Mr. Rhea, seconded by Mr. M'Minn, *Resolved*, that the president be instructed to forward, as early as practicable, by an express, a copy of the constitution, to the secretary of state of the United States.

Mr. Lewis moved, and was seconded by Mr. J. Shelby, that the above resolution be amended by striking out the word express, which passed in the negative.

On motion of Mr. M'Clung, seconded by Mr. Rhea, *Resolved*, that the thanks of this convention be given to the president for his services during the sitting of the same.

On motion of Mr. Claiborne, seconded by Mr. M'Clung, *Resolved*, that the thanks of this convention be presented to Mr. N. S. H. Fourrier for his patriotic services in engrossing the constitution.

On motion of Mr. Mitchell, seconded by Mr. Stuart, *Resolved*, that the president of this convention be authorised and directed to issue writs of election to sheriffs of the several counties, for holding the first election of members of the general assembly and governor, under the authority of the constitution of the state of Tennessee, to bear teste of this date.

On motion, the convention adjourned *sine die*.

WILLIAM BLOUNT, PRESIDENT.

WILLIAM MACLIN, SECRETARY.